

REMARKS

The Title and Summary of the Invention have been amended to better reflect the subject matter of the new claims.

Claims 1 to 32 have been canceled. New claims 33 to 39 are submitted for examination.

Support for the new claims can be found, e.g., on Specification page 9, lines 8 to 21 and Fig. 6. The Specification discloses compacting (in a preferred range) 30% to 90% of the cancellous bone volume to form a void. This comprises a first volume of the cancellous bone volume as defined in new claims. A second volume is left substantially uncompacted, comprising (in a preferred range) 70% to 10% of the cancellous bone volume, as defined in the new claims.

The applicant acknowledges and appreciates the Examiner's time and attention during an interview held June 22, 2005. During the interview, Scholten et al. US 5,108,404 (Scholten) was discussed. The Examiner expressed his view that Scholten showed "a round balloon in a square hole" which, in the Examiner's opinion, might inherently lead, in a vertebral body, to pockets (at the corners) of uncompacted cancellous bone. During the interview, applicant's representative pointed out that Scholten disclosed compacting the entire cancellous bone volume, without leaving any region of cancellous bone uncompacted. During the interview, agreement was reached regarding clarifications in claim language now reflected in new claim 33. New claim 33 defines the act of providing a void creation device including an expandable body having at least one dimension for achieving the result (not taught or suggested by Scholten) of compacting only a first volume of the cancellous bone in a vertebral body (into which a filling material is placed) without substantially compacting a second volume of the cancellous bone different from the first volume. New claim 33 also defines the act of achieving a related result. Scholten does not teach or suggest or inherently achieve the act of providing a device to achieve the result or the act of achieving the result, as defined in new claim 33.

Applicant believes that new claims 33 to 39 are in condition for allowance. If the Examiner believes a further discussion would expedite this application to allowance, the undersigned respectfully requests the opportunity to have that discussion.

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Amendment C

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Respectfully Submitted,

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